United Nations CMW/C/MEX/3

# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr. general
14 June 2017
English
Original: Spanish
English, French and Spanish only

**Committee for the Protection of All Migrant Workers and Members of Their Families**

## Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

### Third periodic reports of States parties due in 2016

## Mexico*, **

[Date received: 19 May 2017]

* The present document is being issued without formal editing.

** The annexes to this document may be consulted in the records of the Secretariat.

GE.17-09756 (E/X1)

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# Part I

## A. General information

**Reply to paragraph 1**

1. The Migration Act is compatible with the Convention since, within a framework of respect, protection and safeguarding of the human rights of migrants, it recognizes their right to justice and due process. It ensures that right during all procedures to bring a migrant before the immigration authorities or send him or her back to the country of origin (return or deportation), as well as the right of access to information, the gender perspective and the protection of children in the context of migration.

2. The Act takes into account the provisions of the Convention with respect to the right to due process. The following rights are guaranteed to migrants during procedures for their appearance before immigration authorities, deportation or assisted return:

- To be notified of the commencement of the administrative migration procedure;
- To receive consular protection, except where political asylum or refugee status is being sought;
- To notify members of their families, their legal representatives or trusted individuals;
- To have a translator;
- To have access to telephone communication;
- To receive legal advice, give evidence and make any claims relating to their rights;
- To have access to their migration case file;
- To the proper substantiation and justification of the decisions of the competent authority and to the communication of those decisions in writing in a language that they understand;
- To submit complaints of human rights violations, and to have a means of defence (judicial review, nullity proceedings or *amparo* proceedings) against decisions handed down by the authority.

3. With regard to the right of access to information, the Migration Act establishes the obligation of immigration authorities to inform migrants of their rights and obligations; the requirements for being admitted to, staying in and departing from the country; and the possibility of applying for refugee status, political asylum or stateless person status, if necessary. Migrants who are in an irregular situation and are brought before the immigration authorities should be informed of their rights, obligations and guarantees; of the reason for their appearance before the authorities; of the immediate notification made to the consulate of the country of which they state they are a national; and of the possibility of regularizing their status.

4. The Act includes measures to mainstream the gender perspective and thereby ensure respect for the human rights of migrant women, and it sets out the general criteria for differentiated treatment of women during administrative migration procedures. It establishes the National Institute for Women (INMUJERES) as an auxiliary authority on migration matters with the power to take steps to enhance the social status of women and eradicate all forms of discrimination against them.

5. The Act gives priority to family unity and the best interests of children and adolescents in administrative migration procedures, seeking to ensure that they are accommodated in places where they receive appropriate care while their immigration status is being resolved. It also envisages the participation of various institutions in the safeguarding and protection of children and adolescents, including the National Institute for Migration (INM), the national and state schemes for comprehensive development of the family and the national and state commissions for human rights.

6. The Act falls within the domain of public policy and is applicable throughout the country. Its implementation with respect to the entry and exit of persons (nationals and foreigners) and to the stay of foreigners in the national territory (migration management) is the exclusive responsibility of the immigration authorities, while state and municipal authorities are responsible for providing health care, education and the administration of justice and, where applicable, for assisting the immigration authorities when so required.

7. For the years indicated, INM was allocated the following resources for the implementation, monitoring and supervision of the immigration authorities' actions within the country.

**Annual budget of the National Institute for Migration**

(Mexican pesos) Public account

| | *2010* | *2011* | *2012* | *2013* | *2014* | *2015* | *2016* |
|---|---|---|---|---|---|---|---|
| Approved | 1 767 588 958 | 1 760 773 764 | 1 830 886 213 | 1 895 409 751 | 2 102 142 765 | 1 979 084 661 | 1 809 969 461 |
| Revised | 2 792 469 207 | 2 793 341 017 | 3 080 879 493 | 3 144 759 052 | 3 579 597 246 | 4 176 066 619 | 3 927 542 907 |
| Executed | 2 792 236 800 | 2 793 341 017 | 3 079 735 790 | 3 144 755 269 | 3 579 588 781 | 4 176 065 395 | 3 927 541 802 |

*Source:* http://cuentapublica.hacienda.gob.mx/.

8. The Ministry of the Interior is empowered by the Act to implement, monitor and supervise the immigration authorities' actions and to execute migration policies. The following bodies were established under two agreements on coordination concluded in 2012:

- The INM Citizens' Council, an advisory and support body for civil society, responsible for drawing up proposals, exchanging views and proposing forms of cooperation, consultation and follow-up to the Institute's activities;
- The Advisory Council on Migration Policy, an advisory body whose mission is to compile the requests and positions of the three branches of government, state Governments and civil society for consideration in formulating migration policy.

9. The Migration Policy Unit, created in 2012, is responsible for the coordination, development, monitoring and evaluation of migration-related programmes based on the 2013–2018 National Development Plan. It is also responsible for the migration and border programmes, such as the 2014–2018 Special Migration Programme, which safeguards the rights enshrined in the Migration Act. The implementation programme for the Special Migration Programme was established in 2014 as a mechanism for following up on the actions of the Programme's units to promote and guarantee the exercise of the rights of migrants, which are disseminated to the general public through the annual performance report.

10. The General Act on the Rights of Children and Adolescents (2014) lays down special protection measures to be taken by the Mexican authorities to guarantee the rights of migrant children and adolescents — whether accompanied, unaccompanied, separated, national, foreign or repatriated — in the context of human mobility. In keeping with that Act, the Institute issued a protocol for ensuring respect for the principles and the protection of the rights of children and adolescents in administrative migration procedures. Such protection is to be provided in coordination with the national, state and municipal systems for the comprehensive development of the family and with the Federal Office for the Protection of Children and Adolescents.

11. The Victims Act (2013) provides that the mechanisms, measures and procedures in place for the care of victims should be designed, implemented and evaluated with a differentiated and specialized approach that meets the needs of population groups, including migrants, that have special characteristics or that find themselves in situations of greater vulnerability.

12. The General Act on the Prevention, Punishment and Eradication of Trafficking in Persons and the Provision of Protection and Assistance to Trafficking Victims (2012) stipulates that foreigners who are victims of human trafficking must not be subjected to

punishment arising from their irregular immigration status or from their acquisition or possession of false identity documents during or following administrative or judicial procedures. It sets out the obligation to assist victims and to help them regularize their stay in Mexico (on humanitarian grounds) until such time as they regain or obtain permanent residence with the right to work, access to refugee status or, if appropriate, voluntary assisted return under the terms of the Migration Act, its implementing regulations and applicable instruments with respect to return.

13. The Migration Act places priority on the provision of comprehensive assistance to migrants in keeping with a human rights approach consistent with the Constitution. There are no circumstances under which its precepts can be invalidated, although challenges do exist.

14. Reductions in the federal budgets for 2015, 2016 and 2017 have hampered the implementation of measures to promote the exercise of the rights enshrined in the legal and programmatic framework on migration. At the local level, the Ministry of the Interior follows up on the reports of the federative entities.

15. With respect to the alignment of the Special Migration Programme with the Convention, mention should be made of the right to consular protection and the right to enjoy treatment not less favourable than that which applies to nationals in the areas of employment, education, health and identity, among others. Efforts have also been stepped up to guarantee the right to information by using new information materials on the risks of irregular migration and the opportunities for migrating legally; the rights of migrant women, children and adolescents; and voluntary return programmes. Efforts to combat xenophobic, discriminatory attitudes in communities of origin and destination have been intensified as well.

16. Since the Programme was announced, a number of activities have been undertaken to implement it, as described in the three annual reports published to date.[1] Of special note in this regard are the launch in 2015 of the Temporary Migration Regularization Programme and the publication in 2014 of general guidelines on the issuance of visas.

17. The Temporary Migration Regularization Programme reduces the vulnerability of migrants, promotes their comprehensive development and facilitates their access to justice and other public and private services, taking into account their ties in Mexico. The migrant workers and members of their families covered by this programme are granted temporary residence for four years and are allowed to work. The visa guidelines make it easier for family members of the principal migrant to obtain visas, prioritizing family unity and, in the case of their children, eliminating restrictions on the age of the applicant; in all cases the guidelines abolish the requirement for proof of financial solvency.

18. For Mexican workers living abroad, Mexican consulates in the United States and offices of the Ministry of Foreign Affairs in other countries coordinate requests for entry permits on humanitarian grounds so that blood relatives who are in a direct or collateral line can visit a sick person who has been hospitalized in critical condition or has a terminal illness or persons in a retirement home; attend the funeral of a family member; give testimony in court; or appear in a court hearing if so ordered by a judge. From 1 January to 30 November 2016, 2,371 permits were granted for entry into the United States.

19. The Migration Act provides for the temporary regularization of foreigners in vulnerable situations, granting them visitor status on humanitarian grounds (with permission to work). This is applicable to victims or witnesses of a crime committed in Mexico, who are then authorized to remain in the country until the end of the trial. Unaccompanied migrant children and adolescents are also granted visitor status when this has been determined to be in their best interest: the same applies to asylum seekers.

20. The Migration Act further envisages the granting of visitor status to migrant women independently of their partner (the "economic dependant" immigration status no longer exists), and they can thus obtain work permits or entry permits if they have received an offer of employment, for example, as visiting frontier workers. The visiting frontier worker card helps to document seasonal workers of Guatemalan and Belizean nationality in the States of

[1] Programa Especial de Migración. Logros. http://www.gob.mx/segob/documentos/programas-derivados-del-plan-nacional-de-desarrollo-2013-2018-21310.

Chiapas, Tabasco, Campeche and Quintana Roo in southern Mexico, and allows them to enter the country without a visa or passport and to be exempt from duties. The card encourages legal migration and makes migrants less vulnerable to abuse by employers, authorities and individuals.

21. Mexico has adopted a model for preventing migration of unaccompanied children which involves encouraging such children to remain in their communities of origin. The model is designed to strengthen the family and community ties of children and adolescents at risk of attempting unaccompanied migration. It has a further preventive component in the form of community centres for child protection, which work to build children's skills, provide psychological support and offer better protection. There are currently 70 such centres operating in the 20 states that took in 22,406 children and adolescents in 2014.

22. The Ministry for Rural and Urban Land-Use Development in 2015 provided funding to young rural entrepreneurs in support of sustainable productive projects in various states. Some states have launched community development programmes in an effort to reduce emigration. Workshops have also been held for young people on the risks of irregular migration.

23. Mesoamérica Sin Hambre [Mesoamerica without Hunger] is a Mexican-led initiative under the auspices of the Mexican Agency for International Development Cooperation with technical support from the Food and Agriculture Organization of the United Nations. Its mission is to bolster food and nutrition security in Belize, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia and the Dominican Republic. It endeavours to help strengthen local, national and regional institutional frameworks for enhanced food and nutritional security; to provide specialized assistance for family farming; and to enhance complementarity and cooperation among the countries of the Mesoamerican region.

24. The objective of the Mesoamerican Regional Cooperation Programme is to contribute to the development of the countries of Central America, the Dominican Republic and Colombia by promoting the exchange of knowledge and experience in these countries' capacity-building and institutional strengthening, in six priority areas: education, environment, health, disaster prevention, agriculture and fisheries, and tourism.

25. The Mexico Schools Programme is intended to help schools in Latin America by providing incentives to students and teachers through five components: improvements in infrastructure and purchase of teaching materials; donation of textbooks; refresher courses for teachers; a competition for best performance by a sixth-grader; and a children's painting contest.

26. The cooperation project to prevent the migration of unaccompanied children from communities of origin in the northern triangle of Central America (April 2016), co-sponsored by the Mexican Agency for International Development Cooperation, the Ministry of Social Development and the German agency for development cooperation, seeks to strengthen identity and foster social cohesion and ties among children and adolescents, primarily in Central American schools and communities.

27. The Regional Conference on Migration [2] is a multilateral regional forum on international migration. It focuses on the management of extraregional flows, comprehensive care for migrant children and adolescents, migrant women and return migration, among other issues.

**Reply to paragraph 2**

28. On 6 February 2014, the Senate agreed to the withdrawal of the reservation to article 4, paragraph 22, of the Convention. The decree on withdrawal was published in the Official Gazette on 24 March. The United Nations was notified of the withdrawal of the

[2] Belize, Canada, Costa Rica, El Salvador, the United States, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic participate, as do the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and representatives of civil society organizations.

reservation on 11 July. The draft Act providing for the implementation of article 33 of the Constitution is currently before the congressional review committee.

**Reply to paragraph 3**

29. While Mexico has not ratified those instruments, national labour legislation has been amended to bring it into line with their provisions. In 2015, as a member State of the International Labour Organization, Mexico reported on the implementation of those conventions.

**Reply to paragraph 4**

30. The National Human Rights Commission provides personalized and specialized assistance to migrant workers and members of their families through ten offices located along the migrants' route. It has several hotlines in both Mexico and the United States to provide advice and receive complaints of alleged human rights violations involving migrants. Communication also takes place through social media, and there is a special website for returning Mexican migrants.

31. Commission staff in the four offices on the northern border (Tijuana, Baja California; Nogales, Sonora; Ciudad Juárez, Chihuahua; and Reynosa, Tamaulipas) maintain permanent shelters and canteens at the border for Mexican nationals repatriated from the United States. At the national level, all of the INM holding centres are visited on a regular basis to ensure that the rights of these people are respected. During these visits, complaints filed by migrants with respect to possible violations of their rights are verified and compiled by the various authorities with whom they come into contact. The Commission's representatives are allowed to be present during the interviews conducted by the child protection officers with unaccompanied migrant children and adolescents.

32. Centres where large numbers of migrants are held (Acayucan, Veracruz; Las Agujas, Mexico City; and Tapachula, Chiapas) are visited at least three times a week. With regard to migrant children and adolescents, the Commission orders precautionary measures requesting the immigration authorities immediately to refer unaccompanied children to the public and private social welfare centres run by the state and municipal systems for the comprehensive development of the family.

33. In 2016 the Institute carried out a pilot programme for referring children and adolescents to shelters run by civil society, in keeping with the recommendations of international organizations and the requests of civil society organizations for alternatives to detention. The INM Citizens' Council, the International Detention Coalition, SOS-Children's Villages and Fundación Casa Alianza participated.

34. The National System for the Comprehensive Development of the Family, through the Federal Office for the Protection of Children and Adolescents, issued internal procedures for the restoration of rights and measures for the protection of children and adolescents, guidelines on the restoration of rights and measures for the protection of children and adolescents, and the protocol for ensuring respect for the principles and the protection of the rights of children and adolescents in administrative migration procedures. The purpose was to avoid having these individuals remain in migration facilities.

**Reply to paragraph 5**

35. The Mexican Congress is solely empowered to pass laws on nationality, the legal status of foreigners, citizenship, naturalization, land settlement, emigration and immigration. Congressional legislation governing such matters includes the Migration Act, the Population Act, the Act on Asylum, Complementary Protection and Political Asylum and the Nationality Act, which are all in force nationwide. The federative entities do not have the authority to legislate on such matters. Nevertheless, some of the rights and matters covered by both the Migration Act and the Special Migration Programme require specific coordination with state authorities, particularly in the areas of health, education and the registration of vital statistics. The Advisory Council on Migration Policy, which takes an active part in the National Conference of State Governors and the National Office for the Coordination of State Offices for Assistance to Migrants, provides information on the activities to be undertaken by local

authorities for implementing the Programme. It also identifies opportunities for strengthening its own institutional capacities for protecting and integrating migrants and members of their families.

36. There are a number of inter-agency groups within the Council that work on specific problems of the migrant population, such as the right to an identity and access to education, social prevention of violence and protection of migrants, gender mainstreaming of policies for the assistance and protection of migrant women, comprehensive protection and assistance for migrant children, and assistance for Mexican returnees.

37. With respect to employment, the Constitution lays down the general conditions of work, which are covered by the Federal Labour Act, as the federative entities are not competent to legislate in this area. The Act promotes equality in employment and non-discrimination on grounds of ethnic or national origin, gender, age, disability, social status, health status, religion, immigration status, opinions, sexual preference or civil status. It also guarantees access to social security and remunerative wages as well as the right to further training, shared benefits, optimum hygiene and safety conditions to prevent occupational risks, unconditional respect for the collective rights of workers, freedom of association, autonomy, the right to strike and collective bargaining.

38. The mission of the Interministerial Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescents of Working Age in Mexico is to coordinate the various entities of the federal administration in the design, implementation and evaluation of policies, programmes and activities for the prevention and eradication of child labour, as well as for the protection of adolescents of working age, based on the applicable regulations. In 2015, the Federal Labour Act was amended with respect to child labour, raising the minimum age of employment from 14 to 15 years and extending the guarantees and protection of the rights of children and adolescents in the workplace to 18 years of age.

39. Mexico has a protection and assistance model for victims of crimes related to trafficking in persons; a protocol on the use of procedures and remedies for the rescue, assistance, care and protection of victims of trafficking in persons; and general guidelines on the construction, operation and functioning of shelters and halfway houses for the assistance and protection of victims, aggrieved parties and witnesses of trafficking in persons. It also has a tool for assessing the institutional capacities of the state mechanisms for the advancement of women with respect to trafficking in persons, and it reports on progress and challenges in combating the crime, covering the actions taken by each mechanism at the state and municipal level.

**Reply to paragraph 6**

40. The Mexican Government raised awareness of the Convention on 13 August 1999 through its publication in the Official Gazette.

41. Several Mexican States systematically conduct training workshops for public servants in the areas of health, education, municipal offices, and assistance to children and migrants. The workshops deal with such issues as migration law, the rights of migrants in Mexico and the United States, the risks of irregular migration, trafficking in persons and the gender perspective.

42. From September 2015 to July 2016 the following training and awareness-raising activities were conducted for staff who work with migrants and members of their families: 650 training sessions for INM staff on the law and human rights, the gender perspective, ethics and combating corruption; principles of inclusive education, monitoring and verification procedures, measures for equality within the framework of the Federal Act on the Prevention and Elimination of Discrimination; body searches and preventive searches, assistance to unaccompanied migrant children, sexual diversity, inclusion and non-discrimination, identification of signs of the need for international protection of unaccompanied or separated children, and assistance to children in migrant holding centres and temporary housing.

43. The human rights training and awareness programme of the Office of the Attorney General of the Republic, in collaboration with the Ministry of the Interior and the National

Human Rights Commission, offered six training courses in 2015 (five in Mexico City and one in Chiapas) on the human rights of migrants, with special emphasis on vulnerable groups (women, children, adolescents and lesbian, gay, bisexual, transsexual, transgender and intersex persons) and combating trafficking in persons. The training was intended for public officials responsible for the administration of justice, defending the national territory and providing protection and relief to the general population. The programme involved 136 training sessions attended by 7,909 individuals: 772 federal prosecutors; 483 officers from the Federal Criminal Investigation Police; 529 experts; 781 administrative assistants; 364 candidates for the Federal Criminal Investigation Police; and 4,980 external staff members from local units.

44. A comprehensive continuing education programme has been implemented for federal INM agents on human rights and multiculturalism since 2016. The programme deals with such subjects as legal security, personal liberty, freedom of movement and non-discrimination against Mexican migrants of African descent. A course on migration and xenophobia is available as part of the "Conéctate" (digital platform) programme, whose objective is to expand awareness-raising and training activities on the right to equality and non-discrimination. Under this programme, 1,892 individuals were trained in 2016 and 285 in 2017 to date. Annex 1.

45. In collaboration with the International Organization for Migration and the College of the Northern Border, a campaign on "xenophobia does damage" was launched in 2015. In order to raise children's awareness, the National Council for the Prevention and Eradication of Discrimination published a short story collection entitled "Kipatla, treating us all as equals" and produced a television series for children on the main forms of discrimination in Mexico. These include discrimination against refugees.

46. A campaign for young people entitled "Without tags, discrimination cannot define us" was aimed at creating synergies for transforming hate speech in physical and digital spaces. One of its themes was combating racism and discrimination. The second phase of this campaign is being rolled out in 2017 with the slogan "No to hatred".

47. INMUJERES has held awareness-raising and capacity-building workshops on trafficking in persons and assistance for migrants from a gender perspective. Between 2012 and 2016, 23 workshops were organized on basic aspects of trafficking in persons from a gender perspective, along with eight conferences on the same subject for federal public security and migration officials and for staff from INMUJERES, the National System for the Comprehensive Development of the Family and the National Human Rights Commission. Students were also trained, and an awareness-raising and capacity-building day was held on the subject, attended by 1,631 individuals (690 women and 941 men). Workshops have taken place since 2012 with a view to reducing the vulnerability of migrants in the Mexico City migrant holding centre. They are conducted from a gender perspective on subjects of concern to migrants and have been attended by 350 individuals (230 women and 120 men).

48. Since 2014 there have been six workshops on "Developing gender-sensitive assistance for migrant women and children" to provide migration personnel with the tools for mainstreaming the gender perspective and affirmative actions for migrant women and girls into their work.

**Reply to paragraph 7**

49. Three forums for dialogue were held with civil society organizations, local authorities and academia in preparing this report. The forums took place in cities on the northern border, in the middle of the country and on the southern border, and addressed the following topics:

(a) Protection and defence of the human rights of migrants in Mexico, and prevention and elimination of discrimination; dissemination of the rights and obligations of migrants; assessment of the role of civil society, international organizations and local governments in protecting the human rights of migrants (Tijuana, Baja California, 15 March 2017);

(b) Protection and assistance for vulnerable groups in migration; migrant children and adolescents; family unity and reunification; women in migration; working conditions and assistance in situations of violence (Morelia, Michoacán, 21 March 2017);

(c) Access to justice and security; combating the smuggling of migrants, trafficking in persons, kidnapping and other offences; access to justice, challenges and opportunities (Tapachula, Chiapas, 27 March 2017). Annex 2.

50. There is also the INM Citizens' Council, a permanent mechanism for formal dialogue with civil society.

51. The Proequality programme is intended to enhance the participation of organized civil society in the promotion and pursuit of equality between women and men by providing financial support for actions to reduce gender inequality in the social, political, economic and cultural fields.

52. In developing public policy proposals on migration, various forums have been held in the federative entities with the active participation of civil society, including the binational forum on Michoacán migrants, which took place in the State of Michoacán in 2015. It was attended by over 1,000 people, including migrant leaders, representatives of academia, students and public officials from the three levels of government. A forum on the establishment of the comprehensive support programme for the reintegration of migrants and members of their families was held in the State of Zacatecas, which led to the creation of a support programme for the reintegration of returning migrants. In addition, a citizens' forum was held in the State of Durango in January 2017 to discuss proposals for the State Development Plan, in which migrant clubs, entrepreneurs and associations working on migrant issues participated.

## B. Information relating to the articles of the Convention

### 1. Part II of the Convention

**Reply to paragraph 8**

53. The Constitution, the Migration Act and the Federal Labour Act ensure the enjoyment of the rights enshrined in the Convention without distinction of any kind, and explicitly cover the right to non-discrimination and the obligation of the authorities to guarantee that right. They also cover all the grounds of discrimination prohibited under the Convention and other international treaties.

54. The Federal Labour Act establishes the principle of non-discrimination, safeguards the substantive equality of workers and their employers, and ensures access to equal opportunities taking account of the biological, social and cultural differences between the sexes.

55. Non-discrimination and gender equality are governed by the following legal frameworks: the Federal Act on the Prevention and Elimination of Discrimination, the General Act on Equality between Women and Men, the General Act on Women's Access to a Life Free of Violence and the General Act on the Inclusion of Persons with Disabilities. Furthermore, Mexican Standard NMX-R-025-SCFI-2015 on Labour Equality and Non-Discrimination lays out the requirements for all workplaces to incorporate, develop and implement, in their human resources and management procedures, practices that foster labour equality, non-discrimination and comprehensive development.

56. The Special Migration Programme envisages measures to ensure non-discrimination and the effective protection of the labour rights and equality of women and men migrant workers through cross-cutting action lines on the gender perspective, equality and non-discrimination for all persons. The Programme also monitors the actions of the relevant authorities. Furthermore, the Ministry of Labour and Social Security provides free job counselling for workers, including migrants who require the services of the Office of the Advocate for Workers, and monitors the implementation of standards and guidelines for assisting Mexican nationals who have been hired to work abroad.

57. The Mexico-Canada Seasonal Agricultural Workers Programme protects the labour rights of Mexicans by stipulating that they will receive the same benefits as Canadian workers. The Programme does not limit participation based on gender and ensures that each

of the selection processes takes account of the criteria forfairness. It also prohibits all practices that violate the dignity of persons and encourages the productive inclusion of vulnerable groups (women, returnees, persons with disabilities, etc.). The Mexican Embassy and consular network in Canada monitors working conditions and respect for the rights of Mexican workers. They provide assistance, conduct regular visits to workplaces to monitor housing conditions and interact with Mexican workers to determine whether their employers are respecting the agreed-upon employment-related commitments.

58. The labour mobility programmes of the Ministry of Labour and Social Security seek to have a positive impact on the living conditions, transit conditions and employment conditions of migrants and members of their families through the labour mobility mechanism and the subprogrammes on labour mobility of the agricultural sector and on working returnees. The external and internal labour mobility programmes have specific measures and transparent criteria for the recruitment and selection of workers, all of which are in the public domain.

59. Mexico and the United States have taken joint action to combat labour fraud and abuse in the workplace and to make more information available on the H2 visa programme, including rights during recruitment, the process of obtaining a visa and other rights of workers once they have entered the United States. The objectives of these actions are as follows:

(a) To strengthen communication with Mexican workers as part of preventive protection efforts;

(b) To approve partnerships with civil society organizations, the National Employment Service and the states' migrant assistance offices for the dissemination of information on labour rights, trafficking in persons and immigration fraud that may affect seasonal workers in Mexico and the United States;

(c) To empower workers with H2 visas and their families by raising awareness of labour rights in the United States, regardless of immigration status; of the bodies to which they can turn in the event of violation of those rights; and of the right to consular assistance if their labour rights are violated.

60. The memorandum of understanding between the consular offices of Mexico in the United States and United States government offices dealing with labour rights is intended to ensure that the Mexican community in that country has access to justice and that their labour rights are efficiently disseminated.[3]

61. Labour Rights Week has been held annually in the United States since 2009 to enhance awareness of the labour rights of both the Mexican and Hispanic community and of the various bodies (trade unions, state offices for the protection of labour rights, and community organizations) to which they can turn should their rights be violated.

62. With the support of the Occupational Safety and Health Administration of the United States Department of Labor, campaigns have been undertaken to prevent accidents in the workplace.

63. In order to ensure legality, security, order, transparency and accountability in labour mobility, in October 2016 the labour ministries of Mexico, El Salvador, Guatemala and Honduras signed a memorandum of understanding on labour cooperation to lay the foundations for a seasonal labour migration programme. Under the programme, workers from those countries would work in Mexico for up to 180 days in the agricultural and service sectors during specific periods of increased demand. The programme would also allow highly qualified Mexicans to be employed in those countries temporarily.

[3] Memorandums of understanding signed by the representatives of Mexico in the United States with offices of the United States Department of Labor. http://www.gob.mx/stc/acciones-y-programas/memorandas-de-entendimiento-firmadas-por-las-representaciones-de-mexico-en-los-estados-unidos-con-agencias-del-departamento-del-trabajo?state=published.

64. The Federal Act on the Prevention and Elimination of Discrimination defines the criteria for respecting, protecting, guaranteeing and promoting the right to equality and non-discrimination. Since the introduction of the anti-discrimination clause in article 1 of the Constitution, and with a view to strengthening the legal framework for equality and non-discrimination, the states began the process of harmonizing legislation to prohibit discrimination, including discrimination on grounds of ethnic or national origin, and of harmonizing legislation that refers to the right to equality.[4]

## 2. Part III of the Convention

### Reply to paragraph 9

65. The INM guidelines on the protection of migrants stipulate that the Beta migrant protection groups are to engage in rescue and life-saving activities (assistance for migrants who are missing or at risk), humanitarian aid (first aid, transfers to hospitals, food, etc.), legal advice (referral of complaints and accusations) and guidance (providing migrants in transit with information on their rights and on risks they may encounter during their journey). Because these groups are not affiliated with security institutions, their efforts to prevent abduction focus on referring those affected to the appropriate authorities in order to submit their complaints. Between 1 January 2010 and November 2016, the Beta groups helped 1,879 migrants to deal with the authorities.

66. The Directorate General of the Federal Legal Advice Service (AJF) of the Executive Commission for Victim Support provides counselling, advice and legal representation for undocumented migrants and family members of migrants who have disappeared in Mexico in submitting and following up on their complaint. It also provides notification when a victim's remains have been found and identified.

### Reply to paragraph 10

67. The reply will be provided to the Committee when the report is considered.

### Reply to paragraph 11

68. Federal prosecutors from the Office of the Special Prosecutor who are searching for disappeared persons act in accordance with the harmonized protocol for effective search and investigation in order to locate the victims, punish those responsible and ensure that such events do not recur.

69. The protocol for ministerial action to investigate crimes committed by and against migrants in vulnerable situations and those entitled to international protection in national territory seeks to ensure the protection of the human rights of migrants in vulnerable situations and their families, avoiding the use of excessive discretionary power and raising the technical and legal quality in order to facilitate the investigation and prosecution of offences. It also covers the search for disappeared migrants and compensation for damages, thereby providing access to the federal justice system. International organizations, civil society and academia were consulted on the drafting of the protocol.[5]

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[4] Currently, 31 States have an anti-discrimination act* and 26 States have a specific clause on anti-discrimination in their Constitution. The following 31 federative entities have an anti-discrimination act: Aguascalientes, Baja California, Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Mexico City, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico State, Michoacán, Morelos, Nayarit, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tamaulipas, Tabasco, Tlaxcala, Veracruz, Yucatán and Zacatecas. The following federative entities have a specific clause: Baja California Sur, Campeche, Chiapas, Chihuahua, Coahuila, Colima, Durango, Guanajuato, Guerrero, Hidalgo, Jalisco, Mexico State, Michoacán, Morelos, Nuevo León, Oaxaca, Puebla, Querétaro, Quintana Roo, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tlaxcala, Yucatán and Zacatecas.

[5] The Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, Sin Fronteras IAP, FUNDAR, Asylum Access, Foundation for Justice and the Rule of Law and the legal clinic of Ibero-American University.

70. The Unit for the Investigation of Crimes against Migrants was established as the competent federal ministerial body for providing access to justice for migrants and members of their families, searching for disappeared migrants and investigating and prosecuting crimes committed by or against migrants in vulnerable situations. It also leads, coordinates and oversees the implementation of appropriate and effective measures to provide compensation for damages to the victims.

71. The operating guidelines of the Mexican External Support Mechanism for Search and Investigation establish that the mechanism will operate by means of collaboration with the attaché's offices of the Attorney General's Office, which can provide access for families and migrant victims, in whichever country they are located, to the Mexican authorities investigating federal crimes committed against migrants in Mexico. Families and victims may also lodge complaints, give evidence and exercise the rights and powers granted by law, including the right to compensation for damages. Cases may not be admitted unless so determined by the federal prosecutor.

72. The guidelines have taken into account the human rights standards enshrined in the Constitution and in the international treaties to which Mexico is a party, as well as the recommendations of the Inter-American Commission on Human Rights, the Committee on Enforced Disappearances, the United Nations special procedures, and the protocol for ministerial action to investigate crimes committed by and against migrants in vulnerable situations and migrants entitled to international protection in national territory. They have also considered the recommendations of the protocol for ministerial action on assistance to unaccompanied children and adolescents, and the protocol for the search for disappeared persons and the investigation of the crime of enforced disappearance of the Attorney General's Office.

73. With respect to the case of the San Fernando, Tamaulipas, graves, the Executive Commission for Victim Support adopted 26 resolutions mandating immediate support measures to cover funeral costs. Some 57 victims (27 direct and 30 indirect) benefited under a total allocation of 1,606,581.68 Mexican pesos.

74. The Commission also adopted a resolution on comprehensive reparation, which awarded 4,730,203.20 Mexican pesos in compensation to five victims (one direct and four indirect).

75. The Commission's National Victims Registry is the administrative and technical mechanism for data input and registration of victims of crime and human rights violations in the National Victim Support System. It ensures that victims have access to timely and effective assistance and care, aid measures, and access to justice and comprehensive reparation. The registry contains information on persons who, at the time of requesting their inclusion in the system, specifically referred to themselves as migrants or indicated that the authorities considered them as such. These persons were the direct or indirect victims of disappearances and enforced disappearances, including the cases relating to the clandestine graves in San Fernando, Tamaulipas (August 2010) and to the 49 torsos found in Cadereyta, Nuevo León.

76. AJF assisted victims' family members in the San Fernando, Tamaulipas II case.

77. As a result of the investigations, criminal proceedings were instituted against 23 people indicted of offences against 122 individuals and of violating the laws on burial and exhumation.

78. With regard to the case relating to the 49 torsos found in Cadereyta, Nuevo León, members of the victims' families are receiving assistance.

79. The cooperation agreement between the Argentine forensic anthropology team and the Foundation for Justice and the Rule of Law on the identification of the remains found in San Fernando, Tamaulipas, and Cadereyta, Nuevo León, was published on 4 September 2013.

80. AJF participates actively in that agreement, which is being implemented by the Forensic Committee. Notifications are conducted in conformity with the protocol for

notifications of identifications of the human remains found in San Fernando, Tamaulipas, and Cadereyta, Nuevo León.*

61. AJI provides psychological and medical support, social services, legal advice and transfers. It is also involved in notifying relatives of disappeared persons and in the return of victims' remains. In 2016, it provided relatives of disappeared migrants with support, guidance and legal representation in their dealings with the Attorney General's Office.

62. The Commission has provided assistance to indirect victims in San Fernando as well as families from Cadereyta. It is involved in providing notification when the Forensic Committee locates and identifies remains, and it has provided legal representation.

63. Investigations are continuing with a view to locating other suspected perpetrators and identifying victims. Some 54 bodies were identified prior to the creation of the Forensic Committee and 49 bodies afterwards, which are currently pending return to the families.

64. The Mexican Government, through INM, follows the procedures established under the Migration Act, the Federal Act on Administrative Procedures and supplemental legislation. No racial or ethnic profiling is used in these activities, but procedures are adhered to for identifying persons in an irregular immigration situation based on interviews and a review of identity and travel documents. INM generally conducts inspections to verify whether foreigners in national territory are fulfilling the obligations set out in the Act. This power is exercised under an official order that must be duly substantiated and reasoned. If, as a result of such an inspection, the authorities determine the need for an appearance in person, they issue a summons setting out the deadline for appearance; the date, time and reason for the appearance; and the consequences of failure to appear. If the immigration authorities determine that the foreigner's life or health is at risk, the person will immediately be referred to a specialized institution for the necessary assistance.

65. The Migration Act establishes the exclusive power of INM to monitor and check on migrants. Such activities are carried out with a view to protecting migrants and to ensuring full respect for their human rights. The Institute may request the assistance of the Federal Police, which can intervene only as an auxiliary authority and at the request of the Institute.

66. Steps have been taken to inform the population about the risks of irregular migration and to expand and strengthen capacities of assistance to vulnerable groups and capacities in the field of international protection, access to justice and other measures for the protection of migrants that are essential to safe and orderly migration. Beta groups, security forces and state agencies for the protection of the population take part in these measures, with the cooperation of international organizations, civil society organizations and other actors.

67. In order to counteract one of the most persistent issues on the country's southern border — the entry of persons and goods that in many cases do not comply with the relevant legal requirements — integrated services centres for border crossings were established in 2014. They facilitate preventive and multidisciplinary coordination among various authorities to discourage illegal conduct, bolster the presence of authorities in specific areas on the southern border with a view to addressing collective challenges to security and development, and ensure a more secure border. Three centres are currently operational, in La Trinitaria, Huixtla and Catazajá, all in the State of Chiapas.

**Reply to paragraph 12**

68. It should be noted that the Migration Act does not provide for the granting of humanitarian visas. Tourist visas may be granted without giving permission to engage in remunerated activities, under the assumption that humanitarian grounds may exist in some specific cases for foreigners outside Mexico. The Act also establishes a resident status of "visitor on humanitarian grounds" for victims or witnesses of a crime committed in Mexico;

* A multidisciplinary team and the General Office for the Coordination of Expert Witness Services of the Attorney General's Office, the Argentine Forensic Anthropology Team, the Foundation for Justice and the Rule of Law and the Executive Commission for Victim Support participate in these activities.

for unaccompanied migrant children and adolescents, where this is in their best interests; and for those seeking political asylum, refugee status or complementary protection.

89. From 2012 to December 2016, the Government of Mexico, through INM, issued and delivered 9,355 migration documents to foreigners on humanitarian grounds. Of these, 6,011 documents were tourist visas issued on humanitarian grounds; 2,943 granted permanent resident status as refugees; and 401 granted permanent resident status for reasons of complementary protection.[7] Annexes 3 and 4.

90. As part of the procedures for appearance in a migrant holding centre, migrants are given information on their rights to apply for refugee or stateless status and to regularize their stay. In addition, as part of efforts to meet the challenges of access to information, the Mexican Commission for Aid to Refugees (COMAR) has developed a protocol for the identification of unaccompanied or separated children with international protection needs. The protocol is intended to help strengthen institutional action (mainly by COMAR and INM child protection officers) and to provide clear and precise dissemination of specific actions that are part of the protection procedure implemented upon granting refugee status or complementary protection.

91. Through the implementation of the protocol for the care of unaccompanied or separated children receiving shelter (National System for the Comprehensive Development of the Family, 2015), a mechanism has been created for identifying differentiated profiles, including those of children with international protection needs. The mechanism enables officials of the state and municipal systems for the comprehensive development of the family, and of civil society organizations, to identify and address specific needs and to seek inter-agency collaboration on specialized care (protection offices, INM, COMAR and, if necessary, state human rights commissions).

**Reply to paragraph 13**

92. The INM internal supervisory organ is the competent authority to investigate alleged administrative irregularities that constitute violations of the Federal Act on the Administrative Responsibilities of Public Servants, including officials of the Institute. The requested information appears in annexes 5 and 6.

93. The National Human Rights Commission, through the Assistance to Migrants Programme, follows up on complaints from children on violations of their human rights. It also has an inspection programme for migrant holding centres, shelters and migratory routes in order to document the children's conditions and provide assistance.

94. From 2010 to May 2016, the Commission investigated complaints involving 881 unaccompanied children: 840 complaints (536 boys and 304 girls) against INM, 34 (involving 23 boys and 11 girls) against COMAR, and 7 (involving 3 girls and 4 boys) against the National System for the Comprehensive Development of the Family.

95. Between 2010 and May 2016, the Commission issued 48 conciliation rulings on cases in which the injured parties were unaccompanied children, 47 of them against INM and 1 against COMAR. In the same period, it issued 11 recommendations: 2 to COMAR, 8 to INM (1 in conjunction with the Attorney General's Office) and 1 to the Government of Chihuahua, in conjunction with the Attorney General's Office.

**Reply to paragraph 14**

96. The Federal Office for the Protection of Children and Adolescents, a part of the National System for the Comprehensive Development of the Family, is the competent authority for determining the best interests of the child and for promulgating the appropriate measures to guarantee them. Since its inception (October 2015), this Office has been referring children to welfare centres for appropriate care, restoration of rights, family reunifications, obtaining documents on humanitarian grounds, obtaining refugee status, admission to health

[7] The period covered by this information is subject to the requirements of article 52 of the Act, which is why there were no cases reported in 2011 or 2012, as the Act was not immediately implemented.

centres, treatment of addictions and psychiatric problems, and referral to places of worship and schools.

97. From January to September 2016, the Office issued 128 restoration plans, 86 protection measures and 130 initial assessments based on the best interests of the child.

98. The migration authority's determination of the best interests of unaccompanied children is intended to:

- Obtain information on the whereabouts of their parents or legal guardian, as well as the reasons for their separation;
- Identify possible situations of risk or violation of their human rights that might arise or that have arisen in their country of origin or in national territory;
- Identify cases in which a child is a victim of or witness to a crime in the country of origin or in national territory;
- Identify international protection needs;
- Propose temporary housing alternatives in public or private institutions that can provide adequate care;
- Throughout the process, take account of the views and informed participation of unaccompanied migrant children in decisions affecting them;
- If necessary, seek the views of other members of the family, people they are close to, or institutions involved in their care. The determination of best interests is carried out by specialists trained in the protection of children and the rights of the child. The state and municipal systems for the comprehensive development of the family operate facilities in the migrant holding centres for foreign-born migrant children and adolescents (specifically in Tapachula, Chiapas; Tenosique, Tabasco; Acayucan, Veracruz; and Juchitán, Oaxaca). These facilities provide emotional support and help to identify international protection needs;
- During the best-interests determination interview, the child may be assisted by a representative of the National Human Rights Commission and by his/her legal representative or a trusted individual. The Federal Office also provides legal representation for children, issues measures for the protection and restoration of rights, and follows up on such measures.

99. INM, taking account of the protection measures issued by the Federal Office, may order either the child's assisted return to his/her country of origin, or his/her regularization as a migrant.

100. To ensure the observance of the principles and rights of children, and depending on the measure concerned, the various authorities coordinate on the following:

1. The Federal Office, on behalf of the National System for the Comprehensive Development of the Family, is responsible for:

- Identifying imminent risks to the life, integrity and liberty of migrant children;
- Providing legal representation of children, where appropriate;
- Ordering urgent or special protection measures and their follow-up;
- Developing plans for the restoration of rights, in cases where rights violations have been detected, in accordance with article 123 of the General Act.

2. The National System is responsible for:

- Providing temporary housing and comprehensive services for migrant children;
- Conducting a preliminary assessment of children to determine their international protection needs;
- Providing INM with the necessary information on public or private institutions able to offer assistance to children, and managing their referrals until the administrative migration procedure has concluded.

101. In the case of applicants for refugee status or political asylum, COMAR will also be notified.

102. The publication in the Official Gazette of the following legal instruments that regulate the work of substantive staff and enhance the efficiency of processes that benefit children should be noted:

- Internal procedures for the restoration of rights and measures for the protection of children and adolescents;
- Guidelines for the restoration of rights and measures for the protection of children and adolescents;
- Protocol for ensuring respect for the principles and the protection of the rights of children and adolescents in administrative migration procedures.

103. Article 111 of the regulations implementing the General Act on the Rights of Children and Adolescents stipulates that at no time, regardless of whether they are accompanied in their journey, shall children be deprived of their liberty in migrant holding centres or any other migrant detention centre. When the administrative migration procedure is initiated, the migration authority notifies the family development system so that the children can immediately be referred to centres where they can be cared for during the procedure. If there is not enough room in such centres, the children may be placed in private or civil society-run care centres.

104. Once the children are in social welfare centres, their rights are guaranteed in accordance with the best interests of the child.

105. In 2015 the National System, in coordination with the International Organization for Migration, the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees and civil society organizations, drew up a protocol on caring for unaccompanied or separated migrant children who are being sheltered. The protocol contains the operating procedures for family development systems and civil society organizations that assist children in accordance with the best interests of the child.

106. The following protocols were drawn up pursuant to articles 92, 96 and 97 of the Act:

- The protocol for ensuring respect for the principles and the protection of the rights of children and adolescents in administrative migration procedures is intended to ensure that migration procedures involving children give priority to the best interests of the child and are based on the provisions of the Act. It sets out step-by-step actions to be taken by INM officials where migrant children are concerned. The protocol clearly provides for inter-agency coordination between INM and the Federal Office for the Protection of Children and Adolescents, which is part of the National System;
- The protocol on initial assessment in identifying the needs of unaccompanied or separated children for international protection is intended to make it easier to detect such needs;
- The handbook on the protection and restoration of the rights of children and adolescents (August 2016) is designed to give protection office staff the tools to develop a plan for the restoration of rights.

107. The Migration Act stressed the need for specialized staff to care for migrant children. The child protection officers are responsible for ensuring respect for the rights of migrant children and their best interests, as well as for identifying protection measures and differentiated treatment in accordance with to their needs. The Institute currently has 368 such officers. Their activities include safeguarding the physical and mental integrity of children; providing basic health, food, clothing and relief services; informing the children of their immigration status and rights; and, if appropriate, helping them through the repatriation process, putting them in touch with family members through free telephone calls and identifying their specific protection needs.

**Reply to paragraph 15**

108. The Migration Act, its implementing regulations and other applicable provisions establish that, as part of the administrative migration procedure on assisted return (voluntary repatriation), the migration authority is required to inform migrants of their rights in a language they understand, either directly or through a translator. Migrants who are deaf but who can read and write shall be questioned in writing or through an interpreter. The rights of which they must be informed include the possibility of applying for refugee status, the granting of complementary protection, the granting of political asylum or stateless person status, and the respective procedures for obtaining such status.

109. INM officials have been trained on international protection since 2015, and 2,584 public officials were trained in 2016 on the implementation of the protocol on initial assessment in identifying the needs of unaccompanied or separated children for international protection. The interactive online training course for migration staff on refugees and other forms of international protection in Mexico is also being rolled out.

**Reply to paragraph 16**

110. Mexican migration law provides for alternatives to accommodation in a migrant holding centre, including turning foreigners over to the custody of a diplomatic representative, a legal person or an institution of sound reputation committed to the protection of human rights, subject to the fulfilment of certain requirements. Foreigners must remain in the jurisdiction of the migrant holding centre so as to enable due monitoring of the procedure. The law prohibits foreigners who arrive voluntarily to begin their regularization process from appearing at a migrant holding centre.

111. A pilot project was developed in 2016 for those individuals seeking refugee status who were living in migrant holding centres. Its objective was to grant them temporary residence with permission to engage in remunerated activities, along with alternative accommodations outside a migrant holding centre, so that they could continue the procedures on migration and recognition.

112. The project was implemented in four phases. The first covered single-parent families requiring institutional assistance, and one woman (27 persons). The second covered adults who did not require institutional assistance (13 persons). The third covered unaccompanied adolescents (12), and the fourth covered family groups (10 persons). Some 62 persons benefited in all, 33 of them minors. Some of the beneficiaries were housed at the reception and training centre for migrant women and families, the Casa Alianza Renaissance Foundation (adolescents). The project was implemented by INM and COMAR with the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) and civil society.

113. Since July 2016, the search for alternative housing has been conducted in collaboration with civil society and UNHCR, which has made it possible for asylum seekers, and unaccompanied children in particular, to be housed in shelters while their procedures are concluded. Single-parent families, single women and family groups. From July 2016 to April 2017, 1,021 individuals were provided with alternative housing.

**Reply to paragraph 17**

114. The measures adopted are set out in the following documents:

- The operating standards for INM migrant holding centres and short-stay facilities, published in the Official Gazette on 8 November 2012;[8]
- INM guidelines of 29 November 2012 on the protection of migrants.[9]

[8] Operating standards for INM migrant holding centres and short-stay facilities. http://dof.gob.mx/nota_detalle.php?codigo=5276965&fecha=08/11/2012.

[9] INM guidelines on the protection of migrants. http://www.dof.gob.mx/nota_detalle.php?codigo=5280488&fecha=29/11/2012.

**Reply to paragraph 18**

115. The State ensures that administrative migration procedures are conducted in accordance with the principle of legality, as noted in the first section of this report. The Act provides that the migration authority is solely empowered to present a foreigner who is in national territory in an irregular migratory situation.

116. As noted above, Mexican migration law provides for alternatives to housing in a migrant holding centre for those who are asking to stay in Mexico because of family ties or on humanitarian grounds.

117. The procedures under migration law for identifying and assisting migrants in vulnerable situations are outlined in articles 112 to 125 of the Migration Act, articles 169 to 193 of its implementing regulations and articles 1 to 42 of the INM guidelines on the protection of migrants.

118. Procedures are also in place for determining the best interests of unaccompanied migrant children; for the detention and identification of, and support for, foreign victims of crime; for the protection of other vulnerable groups; for the protection of migrants; and for the assisted return and deportation of foreign nationals in an irregular situation.

119. In the exceptional case of children and adolescents in migrant holding centres, the migration procedures call for their transfer to appropriate institutions; for promoting family unity; and for the children and adolescents to be supported by a child protection officer.

120. The migration authority favours stays in specialized institutions for pregnant women, older persons, persons with disabilities, indigenous people, victims of trafficking in persons, and victims or witnesses of serious crimes committed in national territory. Victims of trafficking may not be housed in migrant holding centres, and the authority shall thus take the necessary measures for their stay in shelters or specialized institutions.

121. Since 2015, four protocols have been drawn up to identify specific profiles of migrant children and to provide the relevant care, prioritizing their best interests at all times. The following instruments are in keeping with both the General Act on the Rights of Children and Adolescents and the Special Migration Programme:

- Protocol on caring for unaccompanied or separated migrant children and adolescents who are being sheltered;
- Protocol on consular assistance for unaccompanied migrant children and adolescents (2015), which ensures protection and consular assistance abroad and the activation of a protection chain wherever the minor is located;
- Protocol on initial assessment in identifying the needs of unaccompanied or separated children for international protection;
- Protocol for ensuring respect for the principles and the protection of the rights of children and adolescents in administrative migration procedures;
- Handbook on the protection and restoration of the rights of children and adolescents, intended for the staff of the protection offices.

122. Since July 2016, INM and COMAR, in coordination with UNHCR and civil society organizations, have been implementing the programme on alternatives to housing in migrant holding centres for asylum seekers. The programme guarantees that persons subject to the eligibility procedure called for under the Refugees, Complementary Protection and Political Asylum Act follow that procedure outside the holding centres and are allowed to obtain gainful employment until the proceedings have been completed by the competent authority. Between July 2016 and April 2017, 1,021 persons benefited from this measure. Annex 7.

123. The operating standards for INM migrant holding centres and short-stay facilities set out the procedures and requirements for the foreigners' family members and trusted individuals, as well as their legal and consular representatives, to have access to migrant holding centres. They also establish the procedures and requirements for granting access to members of religious associations, civil society organizations, international organizations, COMAR, the National Human Rights Commission, individuals and members of academic

institutions. Consular representatives, representatives of human rights authorities and representatives of COMAR may have access and conduct visits outside normal visiting days and hours, provided that they comply with security rules. Foreigners' accredited legal representatives may visit them every day of the week, within normal visiting hours, provided that they fulfil the relevant requirements.

**Reply to paragraph 19**

124. Information on the activities of the Southern Border Programme will be provided to the Committee during its consideration of the report.

**Reply to paragraph 20**

125. The Mexican consular network in the United States has a legal aid programme for Mexicans, which is provided by external legal advisers in the United States. The programme facilitates the recruitment of private lawyers, legal firms or litigators to refer cases for guidance or legal representation. Currently there are 348 valid contracts for the period 2015–2018. The programme allows individuals who have been deported from the United States to receive free legal advice if they have unfinished business there.

126. On 23 August 2013, the United States Immigration and Customs Enforcement (ICE) issued its Parental Interests Directive, which calls for specific measures to enable parents to participate in their children's custody proceedings while the children are involved in migration procedures, with a view to preventing separation. In the case of separation, their return to the United States is facilitated when required in connection with the children's custody. The consular network should coordinate its actions and take the necessary steps to facilitate family reunification or the return of the parents to the United States, where possible.

127. The consular network was instructed in 2014 to include specialists on family matters among its staff of consultant lawyers to address matters relating to transnational families.

128. The consular network in the United States has signed 34 memorandums of understanding with child welfare authorities in order to be notified of proceedings involving children of Mexican migrants so as to provide them with the relevant assistance in the initial stages of the process, including ensuring that the parents receive legal representation, in accordance with the legislation of the State concerned and with the applicable federal legislation. As at 15 December 2016, 11 additional memorandums of understanding were being negotiated.

129. Memorandums of understanding have also been signed with civil society organizations to provide legal assistance, including the one signed in November 2016 with Texas CASA, an organization of special advocates for children appointed by the Texas court.

130. Mexico has a protocol on consular support for unaccompanied migrant children and adolescents, which describes how to undertake initial risk assessments and subsequent best-interests determination. Implementation of the protocol makes it possible to provide specialized consular assistance and protection that is appropriate to each case. As at 24 April 2017, there were 4,548 entries under the Rapid FTR application, which facilitate the analysis of the profiles of migrant children and adolescents; of possible risks that have been identified; of their special needs; and of the reasons for their migration.

**Reply to paragraph 21**

131. Pursuant to the cooperation agreement on legal assistance for Mexican migrants (8 August 2010) between the Federal Public Defender Service and the Ministry of the Interior, INM implements the legal advice programme for Mexican migrants and returnees. The programme's objective is to provide Mexican migrants and returnees from the United States with comprehensive protection of the human and legal rights enshrined in the Constitution.

132. The programme's free legal assistance is provided by 30 federal legal advisers in the northern border States.[10] It is coordinated by the local offices of the Federal Public Defender Service, consular authorities and INM.

133. From 24 February to 3 March, assistance was provided to 619 individuals, 11 of whom did not speak Spanish and received legal assistance and translation into indigenous languages. The local office of Tamaulipas reports the most activity (446 individuals).

134. The objective of the federal legal representation is to reduce the impact of deportation and repatriation, as the beneficiaries receive counselling about the legal situations affecting them in national territory and are provided with legal advice so that they can be represented abroad by the Ministry of Foreign Affairs on legal matters relating to minors or other persons with ties to the returnee; detention; and custody and parental authority, inter alia, before any federal administrative or judicial authority.

135. Red Global MX, a global network of Mexicans abroad, promotes the participation of the highly skilled migrant community abroad and enables projects to be developed for the benefit of Mexico, with the ultimate objective of contributing to national development. The network's organizational model involves global coordination, regional coordination and local chapters that set their own goals and objectives. The chapters are groups with a local identity that support the mission of the umbrella organization. Although Mexican government authorities have supported the organizational efforts of skilled migrants, acting as facilitators in the creation of chapters and as interlocutors with Mexican institutions and strategic actors in Mexico, these efforts ultimately depend on the group's members. The network is structured around four pillars: science, technology, research and academia; entrepreneurship and innovation; social responsibility; and creative industries.

136. In addition, the Institute for Mexicans Living Abroad promotes strategies, develops programmes and compiles proposals and recommendations from Mexicans living abroad in order to strengthen their ties to Mexico and help them to integrate into the societies in which they reside and interact.

**Reply to paragraph 22**

137. In view of the new migration policy of the United States, and based on an analysis of the actions it mandates, the Ministry of Foreign Affairs has been in close contact with the Inter-American Commission on Human Rights and the relevant international mechanisms — such as the Office of the United Nations High Commissioner for Human Rights (OHCHR) — in order to bolster the defence of the human rights of migrants in the United States and, further to the Ministry's work on consular protection and legal defence, to prevent and address violations of the human rights of Mexican nationals:

(a) As a result of the steps taken by the Ministry, the Inter-American Commission on 1 February publicly expressed its concern at the possible impact of the implementation of the executive orders of the United States Government on the human rights of Mexican migrants in that country. The Commission stated that "the implementation of these executive orders puts migrants and refugees at grave risk of violation of their rights to non-discrimination, personal liberty, due process, judicial protection, special protection of families and children, the prohibition of cruel, inhuman and degrading treatment, and the right to freedom of movement, among others". It also urged "the United States to rescind the executive orders and to ensure that any official measure related to immigration and asylum is in line with its international human rights obligations".

(b) The Minister of Foreign Affairs, Mr. Luis Videgaray Caso, met on 2 February with Secretary-General António Guterres to express the grave concern of the Mexican Government at the anti-immigrant measures announced by the United States Government, particularly at the possibility that the implementation of those measures would lead to

[10] Baja California (2 in Tijuana, 1 in Ensenada and 4 in Mexicali); 7 in Sonora (3 in Nogales and 4 in Hermosillo); 8 in Chihuahua (3 in Ciudad Juárez and 5 in the capital city of Chihuahua); 2 in Coahuila (specifically, Piedras Negras); and 6 in Tamaulipas (1 in Matamoros, 2 in Nuevo Laredo and 3 in Reynosa).

violations of the human rights of Mexican migrants. The Secretary-General said that the United Nations would monitor the situation closely.

(c) On 8 March 2017, during the high-level segment of the Human Rights Council, Mexico reported that security measures directed against a specific group of people, or criminalization of that group, were contrary to the rule of law, violated due process and were severely discriminatory. The widespread stigmatization or criminalization of such groups, Mexico stressed, was contrary to the inherent dignity of the human person.

(d) Within the framework of the Human Rights Council, and as a result of the steps taken by the Government of Mexico, OHCHR expressed its concern at the position of the new United States Administration with regard to human rights, and said that the stigmatization of entire groups of people, such as Mexicans and Muslims, was dangerous and fuelled xenophobic abuse.

(e) During the 161st session of the Inter-American Commission, on 13 March, the Government of Mexico again conveyed its concern at the possible implementation of executive orders and memorandums of the United States Government on migration and asylum, in particular those relating to border security with Mexico, and whose implementation could constitute discriminatory treatment and violations of the fundamental rights and freedoms of Mexican citizens, as well as of the applicable international instruments.

(f) On 21 March, the Inter-American Commission held a public hearing to follow up on the implementation of the executive orders of the United States Government with respect to border security and migration, and the impact on the human rights of migrants in that country. Representatives of Mexico, Guatemala, Honduras and El Salvador participated in the hearing along with civil society organizations from the United States.

(g) In view of the possible separation of families under the policies of the United States, the Government of Mexico reaffirmed that respect for human rights was a priority of Mexicans, as was the importance of maintaining family unity as a result of any migration procedure.[11] Footnote (SRE communiqué of 9 March 2017 and 16 March 2017).

(h) The Government of Mexico will continue to deploy actions at the international level to guarantee respect for the human rights of Mexican migrants and to ensure recognition of their valuable economic, social and cultural contributions to the development of the countries in which they reside.

138. The Centre for Information and Assistance to Mexicans is a call centre offering guidance on consular services, news about migration, and prevention and consular protection. It is also one of the first points of contact for Mexicans who require consular assistance from representatives of Mexico in the United States. The Centre's services include conducting searches for Mexican nationals, searches for detained persons, providing the latest information on migration matters, and consular services.

139. The Centre's mission is to provide a 24-hour friendly, professional and timely response to the needs of Mexican citizens through the Mexican consular network in the United States, handling their requests comprehensively in keeping with the Government's commitments to protecting the interests of Mexicans abroad.

**Reply to paragraph 23**

140. The Constitution and labour legislation guarantee non-discrimination against persons and the protection of women workers.

141. The following actions are being implemented for the promotion of the rights of migrant women:

(a) INMUJERES is implementing a programme on promoting the rights of migrant women and members of their families, with three lines of action: awareness-raising and

[11] Communiqué No. 092. Foreign Minister Luis Videgaray reiterated that respect for the human rights of Mexicans in the United States is a priority for the Government.

capacity-building; inter-agency coordination and linkages; and promotion and dissemination. Specific actions of this programme include the following:

- The design and dissemination of the online course "Women who migrate", part of the Migrant Women's Portal project;
- The competition on "Migrant women, tell me your story" seeks to enhance knowledge and awareness of the conditions, problems and success stories of migrant women, and also to encourage their participation through the presentation of proposals on how to deal with specific problems. The competition targets international migrants living in Mexico and Mexican women who have migrated either to another part of Mexico or to another country;
- The technical group for mainstreaming gender into policies for the care and protection of migrant women, an arm of the Advisory Council on Migration Policy, devises strategies for gender mainstreaming and for implementing affirmative action in administrative rules and procedures as well as public migration policies that enable migrant women to access and exercise their rights.

(b) As part of the training programme for community managers on human rights, labour rights and land-use rights from a gender perspective, rural workers, indigenous people and migrants receive advice in their communities of origin and during their journeys to other States and in workplaces and other locations of destination. The programme on skills accreditation and certification of job competencies for agricultural day labourers was created to enhance the employability of agricultural workers through the formal recognition of their job skills and competencies.

142. In order to strengthen mechanisms for reporting and handling labour-related complaints, the Ministry of Labour and Social Security offers aid to migrants through its website and contact centre.

143. The Ministry monitors compliance with labour legislation through the implementation of a protocol and permanent operatives on farms, although that is the responsibility of the local authorities. The Federal Labour Inspectorate, which is part of the Ministry, reported that since 2012, there have been 814 inspection visits to sites where 95,203 men and 43,965 women are working and that 20,189 technical safety and hygiene measures have been issued. In addition, 500,000 inspection visits have been conducted, benefiting 24.1 million workers of all nationalities.

144. In order to promote the protection of the rights of migrant workers of both sexes and of members of their families, the Mexican norm on labour equality and non-discrimination calls for equality and non-discrimination on the grounds of immigration status. The Office of the Advocate for Workers is responsible for protecting the rights of all workers, including foreign workers, through counselling, conciliation and free legal representation.

145. With regard to promoting the rights of Mexican workers living abroad, noteworthy measures include the actions undertaken by the Mexico-Canada Seasonal Agricultural Workers Programme and as part of recruitment processes in the United States, as indicated above.

**Reply to paragraph 24**

146. Article 4 of the Constitution enshrines the right of everyone to protection of health, without distinction as to race, ethnicity, sex, religion or immigration status.

147. In accordance with article 42 of the Health Act Regulations with regard to social health protection, all Mexican nationals and foreigners may join the people's health insurance scheme, without having to submit any documentation, for up to 90 calendar days. This means that all persons (whether nationals or foreigners) who are present in Mexican territory may enjoy the benefits covered by the scheme.

148. The 2013–2018 Health Sector Programme includes specific actions for the migrant population under strategy 4.6, on strengthening actions for the prevention, promotion and care of migrants' health.

149. Article 8 of the Migration Act enshrines the right of migrants to receive medical care from the public and private sectors and stipulates that, regardless of their immigration status, they shall be entitled to receive, free of charge and without any restrictions, any medical care that is urgently required for the preservation of their life. It also establishes that foreigners housed in migrant holding centres shall have access to medical and psychological services where required, and that the authorities in charge of such centres may be assisted by health facilities through cooperation agreements when they are unable to provide the appropriate care on their own premises.

**Reply to paragraph 25**

150. Irregular immigration status, whether of migrant women workers or of any other migrants, poses a risk to their safety and hinders their comprehensive development and that of their family members, making them vulnerable to abuse. It also makes it difficult for them to access public and private services and the formal labour market. A number of migration regularization programmes have been undertaken to ensure respect for the human rights of migrants and reduce their vulnerability.

151. Foreign women domestic workers have benefited from the border worker migration form, which allows them to work in any sector of the economy in four southern border States (Chiapas, Tabasco, Campeche and Quintana Roo). Proof of a job offer, and registration of the employer, are required for the form to be issued. This helps to avoid deceiving or impersonating companies and makes more information available about companies or individuals that hire foreigners, facilitating inspections when requested by the migration authority.

152. Article 123A of the Constitution lays down the rights of everyone to decent and socially useful work, and guarantees the rights of all persons on equal terms, including migrant workers, in keeping with international instruments.

153. Migrant workers can turn to the Office of the Advocate for Workers for advice and legal representation if they feel that their labour rights have been violated.

**Reply to paragraph 26**

154. Article 9 of the Migration Act states that civil registry judges or officials may not refuse to authorize civil status acts or to issue certificates of birth, recognition of children, marriage, divorce and death for migrants, regardless of their immigration status. The actions of the national population registry with respect to identity are also noteworthy, as previously mentioned.

**Reply to paragraph 27**

155. The Special Migration Programme provides that migrant workers may have access to social security services and may bring those benefits back to their countries of origin. The programme has the following objectives:

- To promote agreements on the recognition and portability of social security benefits for migrants;
- To promote access to social security for migrants and returnees in Mexico.

156. In 1996, Mexico and Canada signed an agreement on social security that allows workers to accrue the leave they have earned in those countries in order to be eligible for a pension. Anyone who contributes to social security in both countries, but who at the end of his/her working life does not qualify in one of them for disability benefits, old-age pensions, benefits for unemployment in old age or death benefits may combine the periods of contributions made to both systems under the option for aggregation of periods.

157. In 1994 the agreement on social security between Mexico and Spain (which is still in force) was adopted. It applies to workers in both countries who can demonstrate that they are or have been registered in the respective social security system, and also applies to members of their families who are recognized as beneficiaries by the applicable legislation under the same terms as the country's own nationals.

### 3. Part IV of the Convention

**Reply to paragraph 28**

158. The right to family unity is enshrined in the Migration Act and covers all migration procedures, prioritizing placement and stay that maintain family unity.

159. The Migration Act establishes that foreigners who obtain temporary residence, as well as foreigners with permanent residence, are entitled to the preservation of family unity and may reside in national territory under the same conditions of sojourn.

160. It also permits mothers, fathers, children, spouses, concubines or common law partners or equivalent to obtain visitor status without permission to engage in remunerated activities for up to 180 days if a foreigner in Mexico has a serious health condition or if the foreigner's intervention is required to identify or recover a body.

### 4. Part V of the Convention

**Reply to paragraph 29**

161. During the period in question, the Mexican Government implemented three PTRMs. The first was initiated in November 2008 and ended in May 2011 (PTRM 2008); the second was implemented from 13 January to 18 December 2015 (PTRM 2015); and the third began on 9 January 2017 and will end on 19 December 2017 (PTRM 2017). The first programme during the period in question was executed under the General Population Act, and the second two under the Migration Act. The Migration Act, unlike the General Population Act (which governed the entry, stay and departure of foreigners until 2012), provides for ongoing regularization and for the possibility of instituting programmes to benefit a larger population and facilitate procedures.

162. In general, these programmes' objectives are to ensure the legal and personal security of foreigners, providing them with a migration document that enables them to overcome potential obstacles to their personal, professional and family development arising from their irregular immigration status; to address any abuses by authorities and individuals; and to reduce potential difficulties in gaining access to various public and private services and to their rights.

163. The 2008 PTRM in particular targeted foreigners of all nationalities living in an irregular situation in Mexico, provided that they could demonstrate that they had entered the country prior to 1 January 2007. The beneficiaries obtained immigrant status as professionals, persons occupying a position of trust, scientists, technicians, family members, artists or sportspersons, or similar, in line with the established requirements. The 2008 PTRM covered 10,122 foreigners in all.

164. The 2015 PTRM benefited foreigners who entered the country prior to 9 November 2012 and who, as at 31 January 2015, were residing in the country in an irregular situation. This programme granted them a temporary residence permit for the maximum period allowed by law (four years), obviating the need for subsequent renewals and enabling them to obtain permanent residence once the four years were over. Another advantage of the programme was that it did not impose fines and that it saved both time and money by allowing for annual renewals. The 2015 PTRM benefited 2,994 foreigners, most of them from Central America.

165. The 2017 PRTM benefits foreigners who entered Mexico prior to 9 January 2015 and who, as at 9 January 2017, were residing there in an irregular situation. It has the same features as the previous programme and is also monitored through a working group of the INM Citizens' Council.

166. The Migration Act granted legal status to frontier workers. Previously this was only an administrative provision, but with the Act came greater legal certainty and protection for migrants and members of their families doing seasonal work in the southern States. The procedure for obtaining the status is immediate and personal; employers must be registered as such with INM in order to extend an offer of employment. This avoids abuse by employers or intermediaries who imposed conditions on the issuance of migration documents, or who

withheld the documents from workers as a coercive measure. From 2013 to December 2016, 60,569 cards were issued.

## 5. Part VI of the Convention

### Reply to paragraph 30

167. Two agreements have been signed to promote the mobility of young people for their personal and professional development: one with the Pacific Alliance (2014) and the other with France (2016). The agreement on the working holiday programme, signed by the Governments of Mexico and France, will enable young people from both countries to enter and stay temporarily in Mexico or France, respectively.

168. Mexico maintains an ongoing constructive dialogue with the countries of Central America to address specific issues on migration and to exchange experiences at the consular level. The dialogue led to the creation of a working group at the vice-ministerial level to address the main challenges posed by regional migration.

169. A memorandum of understanding exists for the dignified, orderly, prompt and safe assisted return of nationals of El Salvador, Guatemala, Honduras and Guatemala.

170. In December 2016, a political declaration was signed for the establishment of a migrant labour programme in Mexico, El Salvador, Honduras and Guatemala, which will create an employment linkage and coordination scheme among these countries for the seasonal work of their nationals.

171. In 2016, Mexico and the United States took steps to avoid fees being charged for the recruitment of Mexicans hoping to work in the latter country under an H2 visa.

172. There is also the above-mentioned Mexico-Canada Seasonal Agricultural Workers Programme.

### Reply to paragraph 31

173. The reply will be provided to the Committee during its consideration of the report.

### Reply to paragraph 32

174. Article 2 of the Migration Act makes it a fundamental principle of migration policy to facilitate the return to national territory and the social reintegration of Mexican migrants and their families through inter-agency programmes, and to strengthen the linkages between the communities of origin and destination in order to enhance both family welfare and regional and national development.

175. One of the objectives of the 2013–2018 National Development Plan — objective No. 4 — is to create mechanisms for reintegrating returning migrants and strengthening repatriation programmes.

176. The INM Humane Repatriation Programme on the northern border operates 11 modules where Mexican returnees are received, and coordinates the efforts of various authorities, civil society, international organizations and the private sector to facilitate their reintegration.[12] In the case of repatriated families, once their specific needs have been identified, and if required, they are referred to the National System for the Comprehensive Development of the Family. All returnees receive a record of their receipt as repatriated Mexicans, which allows them to access the benefits of the repatriation programme.

177. The "We Mexicans" strategy, promoted by the Ministry of the Interior and the Ministry of Foreign Affairs (July 2016), focuses on the social reintegration of repatriated Mexicans, or the promotion and guarantee of their cultural and social ties in the United States, to ensure that their return is dignified, productive and beneficial.

[12] Tijuana and Mexicali in Baja California; Nogales and San Luis Río Colorado in Sonora; Ciudad Juárez and Ojinaga in Chihuahua; Piedras Negras and Ciudad Acuña in Coahuila; Nuevo Laredo, Reynosa and Matamoros in Tamaulipas.

178. Following are some of the activities carried out by various authorities as part of the Special Migration Programme to reintegrate Mexican returnees into society and the labour market:

- The Ministry of Foreign Affairs assists with complaints of human rights violations, family separation, recovery of property and assets, and counselling on criminal, civil and migration matters;
- The Ministry of Health helps them to register with the people's health insurance scheme, ensuring timely and quality access to medical, surgical, pharmaceutical and hospital services;
- The Ministry of Public Education, through the national system of job skills, issues certificates attesting to their trade and to their technical or professional level, or enables them to be trained and to receive certification. It also administers national certification of language level;
- The National Employment Service promotes entry into the labour market and encourages self-employment;
- The National Development Finance Corporation for Agriculture, Rural Development, Forestry and Fisheries (Ministry of Finance and Public Credit) provides credit, support and technical services for productive projects, rural enterprises and financial intermediation;
- The National Entrepreneurs Institute (Ministry of the Economy) provides support to start-up firms;
- The National System for the Comprehensive Development of the Family, through the Federal Office for the Protection of Children and Adolescents, provides children with comprehensive protection on medical and psychological matters and offers follow-up on economic activities and the social and cultural environment in the transit modules and shelters operated by the state and municipal family development systems;
- TELECOM (Ministry of Communications and Transport) provides money transfer services free of charge upon presentation of the record of receipt issued to repatriated Mexicans.

179. In 2015 the Advisory Council on Migration Policy of the Ministry of the Interior created the inter-agency group on the right of migrants to an identity and education, with two objectives: (a) to ensure the entry, stay and transit of children in Mexico in the national education system at the basic and secondary levels, regardless of their nationality; and (b) to safeguard the right to an identity of persons of Mexican origin who were born in the United States but returned to Mexico to have their Mexican nationality recognized.

180. Following are other key outcomes of the group on identity:

- The National Registry of Population and Personal Identification (RENAPO), through its campaign "Your record, wherever you are", provides certified copies of civil status and birth records in any State or through the Mexican consular network. By November 2016, 4.6 million records had been printed under this programme;
- The programme "I am Mexico: registry of births of the Mexican-American population" (September 2016), run by the Ministry of the Interior and the National Association for Public Health Statistics and Information Systems of the United States, safeguards the right to an identity and dual citizenship of persons of Mexican origin born in the United States, especially children returning to Mexico through the voluntary return of members of their families or through deportation;
- The electronic validation of United States birth certificates by RENAPO simplifies the apostille procedure and makes it possible to include a United States birth certificate in a Mexican birth record. As at November 2016, 3,688 validations had been conducted, leading to the inclusion of births in the United States in the Mexican civil registry.

181. The General Act on the Rights of Children and Adolescents (art. 57) recognizes that children and adolescents have the right to quality education based on a human rights perspective and on substantive equality, ensuring respect for their human dignity and for the harmonious development of their potential and personality, and strengthening respect for human rights and fundamental freedoms pursuant to article 3 of the Constitution.

182. Since 2015, the requirement of an apostille of the identity document and of the academic credentials for admission to basic education was removed from the administrative regulations on enrolment, re-enrolment, accreditation, promotion, regularization and certification of basic education (Ministry of Public Education).

183. A national campaign has been raising awareness among school authorities of the importance of guaranteeing the right to basic education, without discrimination on the grounds of ethnic origin, nationality, social status, etc.

184. Between January and March 2017, a series of measures was adopted to help migrant workers and members of their families returning from the United States to access, continue and complete their basic education. The measures included lowering the requirements, simplifying the recertification procedure, promoting entry into the workforce, certifying job skills and issuing certificates of basic education for adults. Information on the main educational services and their availability is disseminated through the website www.mexterior.sep.gob.mx and through two telephone lines in English and Spanish.

185. The following programmes for providing access to education are noteworthy:

- The Plazas Comunitarias distance-learning programme, executed jointly with the National Institute for Adult Education, is for individuals interested in starting, continuing or completing their primary or secondary education. It offers courses on the English language, computers, job training and preparation for the General Educational Development (GED) exam.
- The pilot literacy programme in indigenous languages, offered in the United States (Oxnard, California) at a Plazas Comunitarias distance-learning centre under the umbrella of the Mixteco Indígena Community Organizing Project, will benefit more than 170,000 Mexicans of Mixtec (Oaxaca) origin.
- The BachUNAM distance-learning programme enables students to complete their secondary education and register for the online bachelor's degree courses of the National Autonomous University of Mexico. Between 2011 and 2016, 1,296 students graduated representing eight different class years.
- The online secondary-education programme offered by the Colegio de Bachilleres, a decentralized government agency, helps students who need a more independent form of study to complete their secondary education. The certificate awarded by the Colegio is official and is recognized by all institutions of higher education in Mexico.

186. The following bilateral actions should be noted:

- The fellowship programme of the Institute for Mexicans Living Abroad, for low-income students pursuing basic, university and technical studies abroad. Between 2015 and 2016, the programme benefited some 12,000 adults with educational difficulties and young university students.
- The Mexico-United States Binational Migrant Education Programme has four components: access to schools, teacher exchange, educational and cultural support, and information and dissemination.
- The preparatory accreditation programme evaluates and, where appropriate, certifies persons over 21 years of age so that they can complete their secondary education in line with the official programme in Mexico.

187. Since 2013, the Ministry of Foreign Affairs, in coordination with the state offices of the family development systems, other government departments, the Institute for Women in Migration and civil society, has created special care networks for transnational families geared to family reunification. Four liaison meetings were held between 2013 and 2016 on

protection and assistance for migrants. More than 700 public officials and representatives of civil society organizations have been trained as part of this undertaking.

188. Between 2014 and 2015, two webinars were held on the reunification of minors in Mexico, intended for social workers in Mexico. They provided the tools for psychosocial assistance in cases involving migrant workers and their families.

**Reply to paragraph 33**

189. The National Victims Registry of the Executive Commission for Victim Support also maintains a registry of persons who, at the time of requesting their inclusion in the registry, clearly indicated that they are migrants, or that the migration authority considered them as such, and that they have been victims of trafficking in persons.

190. The Interministerial Commission on the Prevention, Punishment and Eradication of Human Trafficking Offences and on Victim Protection and Assistance is responsible for defining and coordinating the implementation of policies on trafficking in persons. The Commission comprises various federal agencies, representatives of the three branches of government at the state level, public human rights bodies, civil society organizations and other entities.

191. To fulfil its mandate, the Commission has prosecutor's offices or specialized units. At the national level there is the Office of the Federal Special Prosecutor, as well as offices of the special prosecutor in ten States. Nine States have specialized units, four have specialized agencies and eight have yet to create prosecutor's offices or specialized units.

192. The Commission has the following additional mechanisms:

- Assistance and protection model for the victims of human trafficking;
- Protocol for rescuing and assisting victims of trafficking in persons;
- General guidelines on the construction, operation and functioning of shelters and halfway houses.

193. The Commission included data and actions of inter-agency bodies at the state level on trafficking in persons in its 2015 report:[13]

- Legislation and achievements of inter-agency bodies;
- Prevention, training and dissemination with respect to trafficking in persons;
- Protection, assistance and caring for victims;
- Prosecution and punishment;
- International coordination.

194. The 2010–2012 National Programme for the Prevention and Punishment of Trafficking in Persons has 16 strategies, 79 specific lines of action and four objectives: to prevent the crime; to provide comprehensive care, protection and assistance to victims; to promote the effective procuration, investigation and prosecution of the crime; and to promote accountability systems and access to information on the subject. The programme also has a special shelter for providing comprehensive care and protection to victims of trafficking in persons and extreme gender violence. The shelter is run by the Office of the Special Prosecutor for violent crimes against women and trafficking in persons and takes care of Mexican and foreign women.

[13] Informe Anual 2015. Comisión Intersecretarial para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos. http://www.gob.mx/cms/uploads/attachment/file/177655/1606_16_SEGOB_INFORME_ANUAL_INTERIOR.PDF.

# Part II

**Reply to paragraph 34**

195. Migration Act (2011); Regulations (2012); Refugees, Complementary Protection and Political Asylum Act (2011); Regulations (2012); General Act on the Rights of Children and Adolescents (2014); Regulations (2015); Victims Act (2013); Regulations (2014).

196. The Migration Policy Unit develops guidelines, strategies, programmes, public actions and administrative provisions on the matter. It coordinates the formulation, monitoring and evaluation of migration programmes based on the National Development Plan and the migration and border programmes. It promotes and develops guidelines, strategies, programmes and public actions for the protection, assistance and integration of returning migrants and the social reintegration of Mexican migrants, as well as for matters relating to regulation, migration control and verification. It also conducts, or commissions, studies, research, surveys, statistics, indicators and publications on international mobility and migration, among other activities.

197. The Unit for the Investigation of Crimes against Migrants and the Mexican External Support Mechanism for Search and Investigation (2015) is empowered to investigate all crimes committed against migrants, refugees, asylum seekers, stateless persons and deported Mexicans.

198. The support mechanism provides migrant families and victims, wherever they are located, with access to justice and to the national institutions involved in the investigation of federal crimes committed in national territory against migrants. It allows them to lodge complaints, provide evidence and exercise the rights and powers to which they are legally entitled, including the right to compensation for any harm caused by the offence. It operates through collaboration with the attachés and liaison offices of the Attorney General's Office abroad and with Mexican consulates.

199. The Federal Office for the Protection of Children and Adolescents, pursuant to the General Act on the Rights of Children and Adolescents and as part of the National System for the Comprehensive Development of the Family, provides for the appropriate protection and restoration of the rights of children. Its competences include the determination of the best interests of the child and coordination of the implementation and monitoring of measures for the comprehensive protection and restoration of rights. It is empowered to establish the national information system and the national registry of social welfare centres. It works in coordination with administrative authorities involved with social welfare, health care, education, social protection, culture and sports, among other areas.

200. The National System for the Comprehensive Protection of Children and Adolescents is responsible for the design of instruments, policies, procedures, services and actions to safeguard the protection of the rights of children and adolescents.

201. In 2014, the National Council for the Prevention and Eradication of Discrimination held a special dialogue to promote the ratification of the International Labour Organization Domestic Workers Convention, 2011 (No. 189) and to define the strategy for its implementation and the elements to be considered for the harmonization of rules and the implementation of public policies. The conclusions of the dialogue stressed the need for work in three areas: (1) modification of the legal framework; (2) the cultural elements involved in addressing the problem; and (3) the need to adapt the social security system should this someday be required.

202. Of particular note is the amendment to article 11 of the Constitution, which proclaims that everyone has the right to seek and enjoy asylum. The recognition of refugee status and the granting of political asylum shall be accorded in keeping with international treaties. The law shall regulate cases of admissibility and exceptions in relation thereto.

203. Publications:

- A handbook entitled *Movilidad y Migración Internacional: dimensiones del fenómeno migratorio* [Mobility and International Migration: Dimensions of the Phenomenon of Migration] (February 2017);[14]
- *Anuario sobre Migración y Remesas* [Migration and Remittances Yearbook], Mexico, 2016, published by the National Population Council (CONAPO), Fundación BANCOMER and BBVA Research Mexico;
- *Migración de niñas, niños y adolescentes: Antecedentes y análisis de la información de la red de Módulos y Albergues del DIF* [Migration of children and adolescents: background and analysis of information on the family development system network of transit modules and shelters], SNDIF and CONAPO (26 January 2017);
- *Migración y Familia. Una mirada más humana para el estudio de la migración internacional* [Migration and Family. A more humane approach to the study of international migration];
- *Migración y salud: inmigrantes mexicanos en los Estados Unidos. 10 años de perspectiva* [Migration and Health: Mexican immigrants in the United States. 10 years of perspective], UPM/CONAPO/Universidad Berkeley.

204. Since 2010, INMUJERES has been compiling and publishing a directory of institutional programmes for the migrant population to make information available on programmes and services for migrant women and for public and private institutions that provide them with counselling and care.[15]

## Part III

**Reply to paragraph 35**

205. The Migration Policy Unit is currently setting up a migration information and statistics network, which will compile and disseminate useful information for migrants, decisions on migration policy, the work of civil society organizations and other relevant information.

206. Pursuant to articles 99 and 100 of the regulations implementing the General Act on the Rights of Children and Adolescents, the National Institute for Migration, in collaboration with the National System, is creating a network of registries and databases on the protection of children and adolescents. With regard to the population in transit, see the statistical bulletin for 2016.[16]

207. The statistical information requested for this section is annexed to this report (Statistical bulletins, 2010–2016).

**Reply to paragraph 36**

208. The information is provided in the following annexes:

(a) The information contained in annex 8 refers to foreigners in general and does not necessarily cover migrant workers and members of their families.

(b) The only information available concerns foreign returnees who did not provide proof of their documented stay, but not concerning migrant workers and members of their families, as had been requested.

c) Unaccompanied migrant children. Annexes 4, 9a and 9b.

[14] http://www.gob.mx/conapo/documentos/prontuario-sobre-movilidad-y-migracion-internacional-dimensiones-del-fenomeno-migratorio#documentos.

[15] Directorio de Programas y Servicios Institucionales Dirigidos a la Población Migrante 2016. http://cedoc.inmujeres.gob.mx/documentos_download/101268.pdf.

[16] http://www.politicamigratoria.gob.mx/work/models/SEGOB/CEM/PDF/Estadisticas/Boletines_Estadisticos/2016/Boletin_2016.pdf.

d) Remittances. Annex 10.

(e) Reported cases of trafficking in migrants. Annex 11.

209. With respect to the administration of justice, the efforts at both the federal and the local levels, including the Council of the Federal Judiciary and the federative entities, have been combined. A total of 637 convictions were handed down between 2009 and 2015, of which 618 were issued by the federative entities and 19 by the federal Government. Some 1,267 victims were reported for the period, 74 per cent of them women, 7 per cent men and 19 per cent not specified.

210. Based on an analysis of the figures, the greatest incidence is to be found among minors, i.e., children and adolescents, who numbered 439 in all, or 34.64 per cent of the total. They ranged in age from 0 to 17 years, including 403 women, or 91.79 per cent; 25 men, or 5.6 per cent; and 11 persons who did not specify their sex, or 2.5 per cent.

211. The 412 victims in the category "did not specify" represented 32.51 per cent of the total. The two groups combined represented 67.15 per cent of the total number of people who have been victims of trafficking in persons. The 18-to-24 age group comprised 223 persons, or 17.60 per cent of the total. Of these, 40 were men and 183, women.[17]

212. Subparagraph F. The legal defence of Mexicans in the United States is a priority of the consular network. The external legal assistance programme for Mexicans in the United States was institutionalized in 2000.

213. Under this programme, Mexican consulates in the United States provide legal advice and representation in various branches of United States law on matters concerning protection, administration, human rights and family members, as well as criminal, civil, labour and migration matters. The programme offers preferential fees for handling legal cases; free legal advice and counselling, or advice and counselling at competitive rates; flexibility in adapting to the specific needs of each case; and the development of partnerships with various institutions. Annex 12.

214. Subparagraph (g). Asylum claims on the grounds of gender-based violence.

**Asylum claims on the grounds of gender-based violence**

| *Ruling* | *2015* | *2016* | *2017* | ***Total*** |
|---|---|---|---|---|
| Dropped | 1 | 8 | 0 | **9** |
| Withdrawn | 2 | 0 | 0 | **2** |
| Denied | 6 | 10 | 1 | **17** |
| Pending | 0 | 9 | 2 | **11** |
| Admitted | 2 | 13 | 4 | **19** |
| **Total** | **11** | **40** | **7** | **58** |

215. Of the 58 claims, only one case — in 2015 — involved an unaccompanied minor, and her claim was admitted.

216. The Attorney General's Office, through the Office of the Special Prosecutor for crimes of violence against women and trafficking in persons, has since 2009 been operating a special maximum security shelter that provides protection and comprehensive, multidisciplinary care to women, adolescents and children, both Mexican and foreign, who are the victims of extreme gender violence and trafficking in persons. The following services are dispensed, from a human rights and gender perspective:

- Legal advice;

[17] Informe Anual 2015. Comisión Intersecretarial para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos. http://www.gob.mx/cms/uploads/attachment/file/177655/1606_16_SEGOB_INFORME_ANUAL_INTERIOR.PDF.

- Emotional support;
- Social work;
- Health services;
- Pedagogy;
- Referrals to various specialized health facilities;
- Coaching;
- Various workshops and activities.

217. The databases of the Directorate for Institutional Coordination and Special Shelter do not contain disaggregated information on Mexican or foreign migrant women in transit to the United States.

218. Records exist of the care provided to 109 foreign women who were the victims of extreme gender violence and trafficking in persons between 2009 and 2016. However, there are no records of whether such women were in transit to the United States.

**Reply to paragraph 37**

219. The Migration Act represents an important step forward in the protection of the rights of migrants.

220. Under the decree on the federal expenditure budget for 2009, the Ministry of Finance and Public Credit established a migrant support fund for returning migrant workers and families receiving remittances to help them find employment in the formal job market or opportunities for self-employment, and to help them generate income and improve their human capital and housing conditions. The federal expenditure budget maintains this subsidy.

221. Article 16 of the Federal Fees Act, as amended on 7 December 2016, provides that foreigners shall not pay fees for the services covered by that section of the Act, provided that the type of work or service to be performed is to be remunerated at the equivalent of an indexed amount. The same exemption shall apply to visitors on humanitarian grounds.

222. Temporary Migration Regularization Programme, published on 11 October 2016, described above.

## Abbreviations

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| AJF | Federal Legal Advice Service |
| CONAPO | National Population Council |
| COMAR | Mexican Commission for Aid to Refugees |
| INM | National Institute for Migration |
| INMUJERES | National Institute for Women |
| OHCHR | Office of the United Nations High Commissioner for Human Rights |
| PTRM | Temporary Migration Regularization Programme |
| RENAPO | National Population Registry |
| UNHCR | Office of the United Nations High Commissioner for Refugees |